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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में विभिन्न वृक्ष संरक्षण की जाती है जिससे कि वह असंग संरक्षण के रूप में रखे जा सकें।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 15th November, 1974:—

BILL NO. 96 OF 1974

A Bill to provide for measures to assist rapid expansion of production of oilseeds and to facilitate a more effective extraction of edible oils and other oils from different seeds both for direct human consumption as well as for the manufacture of vanaspati, soaps and other products.

Enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Oil-seeds and Edible Oils Production Act, 1974.

(2) It shall extend to the whole of India.

(3) It shall come into force at once.

Short title, extent and commencement.

2. (1) It shall be unlawful, after the coming into force of this Act, to use cotton seed for directly feeding the cattle or for putting it to use before extraction.

(2) Violation of the provisions of sub-section (1) shall be punishable with imprisonment for one month or with fine extending to rupees two hundred or with both.

Restrictions on use of cotton seed and penalty for violation.

Facto-
ries to
keep re-
cord of
cotton
ginned.

Subsidy
to gin-
ning facto-
ries.

Ban on
export of
certain
types
of cotton
seed cake.

Rice
mills to
change
hullers
into
sheller
and loan
therefor.

Abolli-
tion of
levy on
shel-
lers.

Penal
levy on
hullers.

Licens-
ing
of ade-
quate
capacity
for pro-
duction
of shel-
lers.

All rice
bran to
be sup-
plied for
solvent
extrac-
tion and
penalty
for viola-
tion.

Subsidy
to rice
mills.

3. All cotton ginning factories shall keep a record of cotton ginned by them and they shall make all the cotton seed available for solvent extraction.

4. The Central Ministry of Agriculture shall pay a subsidy, as may be prescribed, to all ginning factories who deliver to the extraction plants hundred per cent of the cotton seed collected by them after completing the ginning process.

5. (1) Export of undecorticated and undelinted cotton seed cake shall be totally banned after three years from the date of the coming into force of this Act.

(2) During the intervening period of three years referred to in sub-section (1), the Government shall pay cash incentives, as may be prescribed, with a view to encouraging the change-over from undecorticated and undelinted cotton seed cake to decorticated and delinted cotton seed cake.

6. (1) All the rice mills which make use of hullers for polishing rice at present shall convert their hullers into shellers within a period of three years from the date of the coming into force of this Act.

(2) All rice mills shall be entitled to receive loans from the nationalised banks for the purpose of converting their hullers into shellers.

7. The existing discriminatory foodgrains levy on modern rice mills using shellers shall be abolished forthwith.

8. After the expiry of the period of three years referred to in sub-section (1) of section 6, if any rice mill continue to use hullers for dehusking rice, a heavy levy shall be imposed on it for its continuing to use the old wasteful process.

9. It shall be the duty of the Central Government to license adequate capacity and ensure adequate production of machinery for effecting change-over from huller to sheller as also for expanding the capacity of extraction industry.

10. (1) All the rice bran, the availability of which shall increase with the progressive change-over from the huller process to sheller process of dehusking rice, shall be made available for solvent extraction.

(2) It shall be unlawful, after the coming into force of this Act, to use rice bran for any purpose other than extraction of oil.

(3) Violation of the provisions of sub-section (2) shall be punishable with imprisonment for one month or with fine which may extend to rupees two hundred or with both.

11. The Central Ministry of Agriculture shall pay a subsidy to all rice mills who deliver to the extraction plants hundred per cent of the rice bran collected by them after completing the dehusking process.

12. The Government shall undertake cultivation of palm trees on an emergency basis in the coastal areas, especially in the Union territory of Andaman and Nicobar Islands and in Kerala and for that purpose a special wing shall be set up in the Central Ministry of Agriculture for helping the Administration in the Union territory of Andaman and Nicobar Islands and the State Governments in Kerala and other States for expanding palm cultivation.

Palm cultivation by Government.

13. A special cell shall be established in the Central Ministry of Agriculture for the purpose of rapidly expanding cultivation of sunflower, especially in tracts which consist of sandy loams and black loams and which are unsuitable for groundnut cultivation and other crops.

Special cell for expanding cultivation of sunflower.

14. The Agricultural Universities shall undertake research in the matter of palm and sunflower cultivation and for that purpose the Central Ministry of Agriculture and State Agricultural Departments shall pay special grants to the Agricultural Universities.

Research on palm and sunflower cultivation.

15. The Central Government shall, in order to expand cultivation of sunflower and palm, establish a special fund for this purpose out of which special development grants shall be given to the States who exceed the targets of cultivation and production to be fixed by the Centre both for palm and sunflower cultivation.

Establishment of special fund for sunflower and palm cultivation.

16. (1) The Central Ministry of Agriculture, in co-operation with the Agricultural Ministries in the States and the Agricultural Departments in the Union territories, shall formulate and implement a scheme for the collection of minor oilseeds like neem seeds, sal seeds, Kusumba and Karanja seeds and other seeds which are at present going waste and the scheme so formulated shall, inter alia provide for drafting of beggars and unemployed people for this purpose.

Scheme for collection of minor oilseeds and payment of development grants.

(2) The Central Ministry of Agriculture shall fix targets for collection of these seeds and States which exceed these targets shall be paid special development grants.

17. It shall be the duty of the Central Government and the State Governments to take suitable measures to conserve the nation's resources of edible oil and other oils and for that purpose factories producing vanaspati, soaps and other products shall be required increasingly to shift from the use of groundnut oil, rapeseed oil and mustard oil and other edible oils in general use to other oils and such change-over shall be complete within a period of five years from the date of the coming into force of this Act.

Conservation of and change-over from edible oils to other oils.

18. It shall be the duty of the Central Government to help the soap manufacturers increasingly to shift from the use of oils to the use of chemical detergents in the manufacture of soaps.

Shift from use of oil to detergents in soap manufacture.

Licensing
of new
units
for deter-
gents
manufac-
ture.

19. The Central Government shall take steps rapidly to expand the manufacture of chemical detergents by liberally licensing new units so that detergents manufacturing capacity is not monopolised by foreign multi-national corporations and Indian big business houses as defined by the Monopolies and Restrictive Trade Practices Act, 1969.

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Power
to make
rules.

(2) Every rule made under this Act shall be laid, as soon as may be provisions of this Act.

(2) Every rule made under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions afore-said, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

This Bill provides a short-term and long-term framework for solving the country's acute edible oil and oilseeds problems.

The importance of oil and oilseeds in our national economy cannot be exaggerated. Oilseeds are 13 per cent of the index of wholesale prices, next only to foodgrains.

In the past few years, there has been a shortage of oilseeds, edible oils, Vanaspati and now of soaps, and this shortage is annually growing more acute. Edible oil is even more explosive than a nuclear bomb as the recent events in Gujarat have shown.

The Five Year Plans for the development of agriculture have not accorded the oilseeds problem the attention it deserved. On the production front, the record has been dismal. Unless drastic legal, administrative, research and investment efforts are undertaken, including as well balanced system of compulsion and inducement, the shortages are likely to get aggravated. Since the prices are increasing very rapidly, they will soon rise so high that edible oil will be beyond the reach of all except the rich.

The scheme of the Bill is to encourage economical use of oilseeds and edible oil, and to assist in the rapid expansion of oilseeds cultivation as well as extraction industry.

With this end in view, the Bill lays down that cotton seed and rice bran shall not be fed to cattle direct but must be delivered to extraction industry for taking out oil and other by-products. A change-over from undecorticated and undelinted cotton seed cake to decorticated and delinted cake and also from huller to sheller process in dehusking of rice is statutorily provided for. All violations of the law shall be punished under the Bill.

The Bill makes it compulsory for the Vanaspati industry to change from use of edible to non-edible oils and soap industry from oils to chemical detergents within a short period.

The Bill also provides the framework for rapid expansion of palm and sunflower cultivation.

NEW DELHI;

MADHU LIMAYE.

The 1st August, 1974.

FINANCIAL MEMORANDUM

The Bill provides for subsidies, cash incentives, grants and development grants in order to achieve the purposes thereof (clauses 4, 5, 11, 12, 13, 14, 15, and 16).

The estimated recurring expenditure from the Consolidated Fund of India will be around Rs. 25 crores, and this will progressively fall after the transitional period.

The Bill, if enacted, is not likely to involve any non-recurring expenditure.

MEMORANDUM ON DELEGATED LEGISLATION

Clause 20 of the Bill gives the Central Government power to make rules to carry out the purposes of the Bill.

The d  legation of legislative power is of a normal character.

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1974.

Substi-
tution of
Article 17.

2. For article 17 of the Constitution the following article shall be substituted, namely:—

Abolition
of un-
touch-
ability.

‘17. “Untouchability” and the preaching of it is abolished. The enforcement of any disability arising out of “Untouchability” or its “preaching” shall be an offence punishable in accordance with law.

Explanation.—A person shall be deemed to preach “Untouchability” if he—

(i) directly or indirectly, preaches “Untouchability” or its practice in any form; or

(ii) justifies, whether on historical, philosophical or religious grounds or on the ground of any tradition of the caste system or on any other ground, the practice of “Untouchability” in any form.’.

STATEMENT OF OBJECTS AND REASONS

The main purpose of the Bill is to make article 17 of the Constitution quite explicit by inserting in it the word "preaching". What should include preaching is also sought to be explained through an Explanation.

NEW DELHI;

KHEMCHANDBHAI CHAVDA.

The 6th August, 1974.

BILL NO. 98 OF 1974

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:

Short
title

1. This Act may be called the Constitution (Amendment) Act, 1974.

Amend-
ment of
article
366.

2. In article 366 of the Constitution, the following clause shall be inserted at the end, namely:—

“(31) “hill areas” means—

- (i) the districts of Mikir and North Cachar in Assam;
- (ii) the Nilgiris in Tamil Nadu;
- (iii) the districts of Uttar Kashi, Chamoli, Pithoragarh, Tehri Garhwal, Garhwal and Almora, Nainital and Dehradun in Uttar Pradesh;
- (iv) the district of Darjeeling in West Bengal;
- (v) all the districts of Jammu and Kashmir;
- (vi) all the districts of Himachal Pradesh;

- (vii) all the districts of Nagaland;
- (viii) all the districts of Manipur;
- (ix) all the districts of Tripura;
- (x) all the districts of Meghalaya;
- (xi) all the districts of Arunachal Pradesh;
- (xii) all the districts of Mizoram;
- (xiii) Chhota Nagpur division, districts of Hazaribagh and Santhal Parganas, Nalanda and Gaya in Bihar;
- (xiv) districts of Sambalpur, Keonjhar, Koraput, Sundargarh and Mayurbhanj in Orissa;
- (xv) districts of Chikmagallur in Karnataka.

3. After article 371E of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 371F.

"371F. Notwithstanding anything in this Constitution, the President shall by order provide for the special responsibility of the Union Government for—

Special provision with respect to hilly areas.

(a) the establishment of special development cells for hill areas, as defined in clause (31) of article 366, in the concerned Union Ministries/Departments, for development, particularly, in the field of railways, roads, posts and telegraphs and other means of communications, information and broadcasting, banking, industries, river valleys, drinking water and water power, forests, tourism, agriculture, live-stock, health, education, technical education and vocational training with the provision that a consolidated report on the working of special development cells in various Ministries shall be placed before Parliament every year;

(b) the allocation of adequate funds for developmental expenditure over the said areas in each one of the Union Ministries/Departments."

STATEMENT OF OBJECTS AND REASONS

The hilly regions of the country have been neglected generally in the various development programmes. They also lack in infrastructure and are lagging behind in industrial development. The very heavy cost of the construction of roads, railway lines, bridges etc. in these areas on the one hand and the lack of modern amenities available in the flourishing commercial and industrial towns and their suburban pockets in the plains on the other have led to the neglect and exploitation of hilly regions and the well-to-do sections have started migrating to such towns. Consequently, the hilly regions of the country have experienced a lot of hardship and suffering. The natural resources and the raw materials from these areas have generally been taken to the plains where factories and industries based on these raw materials and natural resources flourished. In some cases the large business houses and commercial high-ups have exploited the situation to their own advantage thus exploiting the hill people and hilly regions even further.

It is, therefore, necessary that the hilly regions are assured of the development of infrastructure, rail and road transport, telecommunications and industries, commerce, agriculture and horticulture in their own lap, and thus get their due.

Hence, this Bill to ensure balanced development of these regions and to provide a statutory guarantee for adequate allotment of funds in each one of the relevant spheres.

NEW DELHI;

The 1st October, 1974.

NARAIN CHAND PARASHAR.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides, *inter alia*, for the special responsibility of the Union Government for the allocation of adequate funds for developmental expenditure over the hilly areas. A recurring expenditure of about rupees two hundred and fifty crores is likely to be involved from the Consolidated Fund of India on this account.

No non-recurring expenditure is likely to be involved.

BILL No. 101 OF 1974

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

Short
title and
com-
mence-
ment,
Amend-
ment of
article 56.

1. (1) This Act may be called the Constitution (Amendment) Act, 1974.

(2) It shall come into force at once.

2. In article 56 of the Constitution, in clause (1), the following second proviso shall be added at the end, namely:—

“Provided further that no person shall hold the office of President for more than one term and a total period of more than five years.”

Amend-
ment of
article
156.

3. In article 156 of the Constitution, in clause (3), for the existing proviso, the following proviso shall be substituted, namely:—

“Provided that no person shall hold the office of Governor for a total period of more than five years.”

STATEMENT OF OBJECTS AND REASONS

In our Constitution the question of the powers and duties of the President and the Governor has remained undefined. The two powerful Prime Ministers have transformed both offices into rubber stamps.

The office of Governor has been exploited to push through the policies of the ruling party at the Centre. The Governors have sometimes functioned as instruments of the Prime Ministers in the power political struggles.

Apart from this, these offices have often been used for distributing patronage. A person once inducted as President or Governor tends to go out of his way to please the ruling party and its leader in the hope of securing another term.

Had President Giri been debarred by the Constitution even from aspiring for a second term, he would have acted much more independently in the matter of imposing President's Rule in U.P. in 1970, issuing ordinances on the eve of Parliament sessions in 1974 and the supersession of Supreme Court Judges in 1973.

In a democracy, the Constitution cannot provide for everything. Many things are necessarily left to the evolution of healthy conventions. But since the ruling party does not hesitate to go against the intent of the Constitution, not to speak of conventions, it is necessary to incorporate these safeguards against the abuse of power by the executive in the body of the Constitution itself. Limiting the Presidential tenure and the Governors' term will put at least some curb on the ambitions of super-annuated politicians and bureaucrats.

NEW DELHI;

The 10th October, 1974.

MADHU LIMAYE.

BILL No. 100 of 1974

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

Short
title.
and
com-
mence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 1974.

(2) It shall come into force at once.

Amend-
ment of
article 75.

2. In article 75 of the Constitution, in clause (1), the following proviso shall be inserted at the end, namely:—

“Provided that no person shall hold office of Prime Minister and/or Minister for a total period of more than 10 years.”.

Amend-
ment of
article
164.

3. In article 164 of the Constitution, in clause (1), the following second proviso shall be inserted at the end, namely:—

“Provided further that no person shall hold office of Chief Minister and/or Minister for a total period of more than 10 years.”.

STATEMENT OF OBJECTS AND REASONS

This Constitution (Amendment) Bill seeks to limit the period in office of Prime Minister and Chief Minister and Central and State Minister to two terms or a maximum period of 10 years. This Amendment is being introduced to avoid growth of authoritarian tendencies in our body politic.

Ten years is a long enough period in which a competent and able Prime Minister, Chief Minister or Minister can achieve what he wants to achieve.

To allow these powerful persons to remain in office for a longer period is not only inimical to growth of democracy but leads to staleness. After long spells in office, the Ministers invariably show a tendency to fall into the old ruts and become virtually incapable of achieving desirable changes and innovations. Long spells in office also make them increasingly isolated from public opinion. They tend to lose touch, so to say.

Even in the United States, public opinion forced the Congress to adopt an amendment limiting the holding of presidential office by any one person to two terms. The power enjoyed by the President under the American Constitution and the Prime Minister and Chief Minister under our own is so great that it tends to make the executive all powerful and impervious to criticism. Limiting the term of office of these powerful heads of governments and ministers will make for the healthy growth of democracy in our country.

NEW DELHI:

MADHU LIMAYE.

The 10th October, 1974.

S. L. SHAKDHER,
Secretary-General.

